

ELDER OR DEPENDENT ADULT ABUSE

THE LAW DOES NOT ALLOW PERSONNEL OF THE OFFICE OF THE CLERK OF THE SUPERIOR COURT TO ASSIST IN THE SELECTION OR PREPARATION OF ANY FORMS OR TO ADVISE YOU AS TO ANY PROCEDURE TO BE FOLLOWED IN OBTAINING A JUDGMENT

Attached are the forms usually necessary for a petition for a protective order to prevent elder or dependent adult abuse.

Form #	Title	Number of Copies
EA-150	Instructions on Petition for a Protective Order to Prevent Elder or Dependent Adult Abuse	1
EA-100	Petition for Protective Orders	1
EA-110	Response to Petition for Protective Orders	1
EA-120	Order to Show Cause and Temporary Restraining Order	1
EA-125	Application and Order for Re-issuance of Order to Show Cause	1
EA-130	Restraining Order After Hearing	1
EA-140	Proof of Service (Personal Service)	1
EA-141	Proof of Service (Service by Mail)	1
EA-142-INFO	What is Proof of Service	1
EA-145	Proof of Firearms Turned In or Sold	1
EA-150-INFO	Can a Restraining Order To Prevent Elder or Dependent Adult Abuse Help Me	1
EA-151-INFO	How Can I Respond To a Request for Orders To Stop Elder or Dependent Adult Abuse	1
EPO-001	Emergency Protective Order (CLETS-EPO)	1

ALL FORMS MUST BE TYPED OR LEGIBLY PRINTED IN BLACK INK AND SIGNED.

Complete all forms in their entirety, i.e., all boxes checked as applicable; attachments attached, if applicable; and “NONE”, “NOT APPLICABLE”, or “UNKNOWN” typed in if required.

INSTRUCTIONS

ON PETITION FOR A PROTECTIVE ORDER TO PREVENT ELDER OR DEPENDENT ADULT ABUSE

INSTRUCTIONS FOR THE PETITIONER

1. Where to file

A petition for a protective order must be filed in the superior court either in the county where the abuse occurred or in the county where the defendants, or some of them, reside at the time the petition is filed.

2. Who may be protected by the orders?

An elder or a dependent adult who has suffered abuse as defined in Section 15610.07 of the California Welfare and Institutions Code may be protected by the orders. Under Section 15610.07, "abuse of an elder or a dependent adult" means either:

- a. Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; or
- b. The deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering.

3. Who can petition for the orders?

The person to be protected, the conservator of the person to be protected, or a guardian ad litem appointed by the court to represent the person to be protected can file a petition.

4. What forms are required?

Prepare an original of each of the following forms and, once completed, make **at least two copies** of each:

Form EA-100, *Petition for Protective Orders*

Form EA-120, *Order to Show Cause and Temporary Restraining Order*

Forms are available at the court clerk's office or through legal publishers. Forms are also available on the California Courts Web site at www.courtinfo.ca.gov/forms.

The forms may be filled out on a computer, typed, or handwritten or handprinted. If you have access to the Internet, fillable forms are available on the California Courts Web site. Most libraries and some women's shelters and volunteer legal service groups have computers that you may use. If you handwrite your forms, print clearly.

You will need one copy of the temporary restraining order for each law enforcement agency and others who will help enforce the order and two copies for yourself. Thus, if you want to give copies of the court orders to three law enforcement agencies, you will need at least **five** copies of your forms. Bring the original and all copies to court to present to the court clerk.

5. Judicial signature

The court clerk will tell you where to take your documents for judicial signature.

6. Filing fee, filing, and hearing date

The *Petition for Protective Orders* (form EA-100) and the *Order to Show Cause and Temporary Restraining Order* (form EA-120) must be presented to the court. There is no fee for filing these documents. The court will provide a hearing date, which will be inserted in the order. When you file these documents, you should ask the court clerk to file-stamp your copies.

7. Delivery of the temporary restraining order to law enforcement

You should ensure that each order is delivered to the appropriate law enforcement agencies so that the orders will be enforced. Check with the court clerk to find out how to deliver an order.

8. Personal service requirements

The law requires that the person from whom you wish to be protected must be personally **served** this notice that you have filed for a restraining order. The judge cannot make any orders at the hearing unless and until the person from whom you wish to be protected has been properly served.

Once you have obtained a signed order, the original petition and order have been filed with the court, and you have received your filed-stamped copies from the court clerk, you must have the respondent—the person from whom you wish to be protected—personally **served** with a filed-stamped copy of the *Petition for Protective Orders* (form EA-100), a filed-stamped copy of the *Order to Show Cause and Temporary Restraining Order* (form EA-120), and a blank *Response to Petition for Protective Orders* (form EA-110). These papers must be **served** at least two days before the hearing date, unless the court has provided another time for completing service.

"Serve" is a legal term which means that your completed forms must be personally delivered to the person from whom you wish to be protected. Neither the protected person nor the petitioner (if that is someone other than the protected person) may serve the papers on the other party. Service may be made by a licensed process server, the sheriff's department, or any person 18 years or older who is not a party to the case.

If you hire a professional process server, you must pay for this service. It is helpful to give the process server a picture of the person from whom you wish to be protected and a list of times and places when it will be easier to find that person to serve the forms.

You may not have to hire a process server to have the court forms served on the person from whom you wish to be protected. For instance, if you cannot afford to pay, you may file a fee waiver application with the court. (If you want to apply for a fee waiver, see *Application for Waiver of Court Fees and Costs* (form 982(a)(17); *Information Sheet on Waiver of Court Fees and Costs* (form 982(a)(17)(A); and *Order on Application for Waiver of Court Fees and Costs* (form 982(a)(18).) The judge may waive your fees so that the sheriff or marshal will serve your papers for free. If the person from whom you wish to be protected is in jail, there is no fee to have the person served.

9. Proof of service requirements

After the restrained person has been personally served, the individual who served the papers on that person must complete and sign a *Proof of Personal Service* (form EA-140) (for personal service)). The original proof of service must be filed with the court before the hearing. Keep copies for yourself.

10. Bring documents to the court hearing

Bring copies of all documents you have filed with the court, including your *Proof of Personal Service* form, to the court hearing. In addition, complete and bring with you a completed copy of the *Restraining Order After Hearing* (form EA-130) for the judge's signature at the hearing.

11. After the hearing

a. Filing the signed restraining order after the hearing

At or after the hearing, the *Restraining Order After Hearing* (form EA-130) may be modified to reflect the judge's orders. Ask the judge or court clerk how to obtain the judge's signature on the final order. After the judge signs the order, make **at least two copies**. File the original with the court clerk and ask the court clerk to file-stamp the copies for you.

b. Delivery of the signed restraining order

You should ensure that the order is delivered to the law enforcement officials that you would like to have enforce the order. Check with the court clerk to find out how to deliver the order.

c. Serving the signed restraining order

If the respondent—the person from whom you wish to be protected—was not present in court at the court hearing, you should arrange to have the respondent personally served with a filed-stamped copy of the *Restraining Order After Hearing* (form EA-130).

d. Proof of service of the signed restraining order

After the restrained person has been served, the person who served the papers must complete and sign a *Proof of Personal Service* (form EA-140). The original must be filed with the court. Keep copies for yourself.

INSTRUCTIONS FOR THE RESPONDENT

1. If you are served with an *Order to Show Cause and Temporary Restraining Order (Elder or Dependent Adult Abuse)* (form EA-120) and a *Petition for Protective Orders (Elder or Dependent Adult Abuse)* (form EA-100), you should promptly seek legal advice. If you have no attorney, the attorney referral service of your local bar association may be of assistance.
2. If you wish to respond to or oppose the petition, you should file a *Response to Petition for Protective Orders* (form EA-110). Forms are available at the court clerk's office, from legal publishers, and in fillable form on the California Courts Web site at www.courtinfo.ca.gov/forms. An original response must be filed with the court and a copy served on the petitioner or the petitioner's attorney. You do not have to pay any fee to file your response.

In addition to the response, you may file and serve declarations signed by you and other persons who have personal knowledge of the facts. A declaration form (form MC-031) is available from the court clerk's office. If you do not know how to prepare a declaration, you should see an attorney. After you have filed the response with the clerk of the court, a copy must be delivered personally or by mail to the petitioner or the petitioner's attorney.

You cannot serve the petitioner yourself. The person who serves the petitioner must complete and sign a *Proof of Personal Service* (form EA-140) (for personal service) or *Proof of Service by Mail* (form EA-141) (for service by mail). You should file the completed form with the court clerk before the hearing date or bring it with you to the hearing.

3. If you wish to oppose the petition, in addition to filing a response you should be present at the hearing. If you have any witnesses, they must also be present at the hearing.
4. If the court orders you to relinquish firearms, you must sell all your firearms to a licensed gun dealer or relinquish them to a law enforcement agency. You must file a receipt showing that you have sold or relinquished the firearms within 72 hours of receiving the order. You may use *Proof of Sale or Turning In of Firearms* (form EA-145) for this purpose.

Requests for Accommodation

Assistive listening systems, computer-assisted real-time-captioning, or sign language interpreter services are available upon request if at least 5 days notice is provided. Contact the clerk's office for *Request for Accommodations by Persons With Disabilities and Order* (form MC-410). (Civ. Code, § 54.8.)



Clerk stamps date here when form is filed.

- 1**
- Name of the person asking for protection: _____

Address of the person (*skip this if you have a lawyer*): (*If you want your address to be private, give a mailing address instead*):

City: _____ State: _____ Zip: _____

Person's telephone number (*optional*): (_____) _____Person's lawyer (*if you have one*): (*Name, address, telephone number, and State Bar number*): _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

- 2**
- Name of the person you want protection from: _____

Describe the person: Sex: ☐ M ☐ F Weight: _____

Height: _____ Race: _____ Hair color: _____

Eye color: _____ Age: _____ Date of birth: _____

Home address (*if you know*): _____

City: _____ State: _____ Zip: _____

Work address (*if you know*): _____

City: _____ State: _____ Zip: _____

- 3**
- Who is asking the court for protection?

☐ You, to protect yourself.☐ A person acting on your behalf:☐ A conservator ☐ Another person with legal authority to represent you.*If you are requesting protection for yourself, indicate that and go on to ④. If someone else is making this request, that person must attach a statement of who he or she is, his or her legal authority to make this request, and information about this representation, including any court appointments, the case numbers, and other relevant matters. Attach a sheet of paper and write "EA-100, item 3—Information About Person Requesting Orders."*

- 4**
- Describe the person asking for protection:

a. Age: _____

b. If you are under age 65, do you have any physical or mental limitations that prevent you from carrying out normal activities or protecting your rights? ☐ Yes ☐ No (*If yes, describe*): _____

_____☐ Check here if you need more space. Attach a sheet of paper and write "EA-100, item 4—Describe Protected Person" at the top of the page.**This is not a Court Order.**

Your name: _____

Case Number: _____

5 How do you know the person in 2? (Describe):

6 Why are you filing in this court? (Check all that apply):

☐ I was abused physically or emotionally in this county by the person in 2.

☐ The person in 2 lives in this county.

☐ Other (explain): _____

7 a. Have you and the person in 2 been involved in another court case? ☐ Yes ☐ No

If yes, where? County: _____ State: _____

What is the case number? (If you know): _____

What kind of case? (Check all that apply):

☐ Elder abuse

☐ Dependent adult abuse

☐ Civil harassment

☐ Domestic violence

☐ Criminal

☐ Other (specify): _____

b. Are there now any protective or restraining orders relating to you and the person in 2?

☐ Yes ☐ No If yes, attach a copy if you have one.

☐ Check here if you need more space. Attach a sheet of paper and write "EA-100, item 7—Describe Other Cases" at the top of the page.

8 Is this your first request for a protective order against the person in 2? ☐ Yes ☐ No

If no, are you asking for the renewal of an earlier protective order? ☐ Yes ☐ No

If you are asking for the renewal of an earlier order, provide the following information:

a. What was the case number of the earlier order? _____

b. How long do you want the renewed order to last? ☐ _____ years ☐ permanently

9 Describe in a. through i. how the person in 2 has abused you.

a. When was the most recent abuse (provide date or estimated date): _____

b. Who was there? _____

This is not a Court Order.

Your name: _____

Case Number: _____

- c. In the most recent abuse, did the person in ② do any of the following to you: physically abuse, financially abuse, intimidate, molest, attack, assault (sexually or otherwise), hit, follow, stalk, threaten, harass, destroy personal property, keep under surveillance, block movements, or contact you (directly or indirectly) by telephone, mail, e-mail, messenger, or by any other means?

☐ Yes ☐ No

If yes, describe: _____

- d. Has the person in ② previously abused you? ☐ Yes ☐ No

If yes, describe: _____

- e. Describe any use or threatened use of guns or other weapons: _____

- f. Did the police come? ☐ Yes ☐ No

If yes, did they give you an Emergency Protective Order? ☐ Yes ☐ No ☐ I don't know

Attach a copy, if you have one.

- g. Is the person in ② a caregiver who didn't allow you to have goods or services you needed to avoid physical harm or mental suffering? ☐ Yes ☐ No

If yes, describe how that affected you: _____

This is not a Court Order.



Your name: _____

- h. Did the case involve **solely financial abuse** unaccompanied by force, threat, harassment, intimidation, or any other form of abuse?

- ☐ Yes, only financial abuse.
☐ No, included other abuse described above.

- i. Describe any injuries or harm you suffered as a result of the actions or deprivation described above:

- ☐ Check here if you need more space to explain any of the subparts in item 9. Attach a sheet of paper and write "EA-100, item 9, subpart ____—Describe Abuse" at the top of the page.

Check the orders you want ☒

10 ☐ Personal Conduct Orders

I ask the court to order the person in ② to **not** do the following things to me:

- a. ☐ Physically abuse, financially abuse, intimidate, molest, attack, assault (sexually or otherwise), hit, follow, stalk, threaten, harass, destroy my personal property, keep me under surveillance, or block my movements.
 b. ☐ Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail.

The person in ② will be ordered not to take any action to get the addresses or locations of any protected person, or of that person's family members or caretakers, unless the court finds good cause not to make the order.

11 ☐ Stay-Away Orders

I ask the court to order the person in ② to stay at least (*specify*): _____ yards away from me and the places listed below (*Check all that apply*):

- a. ☐ My home
 b. ☐ My job or workplace
 c. ☐ My vehicle
 d. ☐ Other (*specify*): _____

If the court orders the person in ② to stay away from all the places checked above, will that person be able to get to his or her home or job? ☐ Yes ☐ No

If no, explain: _____

12 ☐ Move-Out Order

I ask the court to order the person in ② to move out from and not return to my residence at (*address*): _____

I will suffer physical or emotional harm if the person in ② does not leave the residence.

The title or lease to the residence is not in the sole name of the person in ② or the name of the person in ② and another person.

This is not a Court Order.

Your name: _____

Case Number: _____

Check the orders you want ☒ (continued)

☐ I ask for this move-out order right away to last until the hearing, because:

a. I have the right to live at the above residence (*explain*): _____

b. The person in ② assaulted or threatened me.

13 ☐ Order About Guns or Other Firearms

I ask the court to order the person in ② to be prohibited from owning, possessing, purchasing, or receiving, or attempting to purchase or receive, firearms **and** to sell or turn in any guns or firearms that he or she controls.

The abuse in this case is **not solely financial abuse** unaccompanied by force, threat, harassment, intimidation, or any other form of abuse.

14 ☐ Other Orders

What other orders are you asking for? (*Describe*): _____

☐ Check here if you need more space. Attach a sheet of paper and write "EA-100, item 14—Other Orders" at the top of the page.

15 ☐ Temporary Orders

Do you want the court to make orders right now on matters listed in ⑩ through ⑭? ☐ Yes ☐ No

If yes, explain why: _____

☐ Check here if you need more space. Attach a sheet of paper and write "EA-100, item 15—Temporary Orders" at the top of the page.

16 Delivery of Orders to Law Enforcement Agencies

I request that copies of the court's orders be given by (*check one*):

☐ The court clerk

☐ Myself

☐ My lawyer

to the following law enforcement agencies:

a. Name of Agency: _____

Address: _____

City: _____ State: _____ Zip: _____

b. Name of Agency: _____

Address: _____

City: _____ State: _____ Zip: _____

This is not a Court Order.



Your name: _____

17 ☐ **Request to Shorten Time for Service**

You must have your papers personally served on the person in ② at least 5 days before the hearing, unless the court orders a different time for service. (*Form EA-142-INFO, "What is Proof of Service?," explains how to serve (notify) the person in ②. Form EA-140 may be used to show the court that the papers have been served.*) If your papers cannot be served at least 5 days before the hearing and you need more time, explain why:

18 ☐ **No Fee to Serve Orders**

I ask the court to order the sheriff to serve (notify) the person in ② about the orders for free. (*To get free service of the court's orders without paying a fee, you must qualify for a fee waiver. To qualify you must fill out and file the Application for Waiver of Court Fees and Costs (Form FW-001).*)

19 ☐ **Lawyer's Fees and Costs**

I ask the court to order payment of my:

- a. ☐ Lawyer's fees
b. ☐ Court costs

The amounts requested are:

Item	Amount	Item	Amount
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

- ☐ Check here if you need more space. Attach a sheet of paper and write "EA-100, item 19—Lawyer's Fees and Costs" at the top of the page.

20 **Additional Relief**

I ask the court for additional relief as may be proper.

21 Number of pages attached to this form, if any: _____

This Request for Orders to Stop Abuse must be personally served on the person in ②. The person requesting the orders may not serve these papers.

Date: _____

Lawyer's name_____
Lawyer's signature

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Name of person filing this request_____
Signature of person filing this request

This is not a Court Order.

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:**1** Name of person who asked for the protective orders:**2** Your name: _____Your address (*skip this if you have a lawyer*): (*If you want your address to be private, give a mailing address instead*):

City: _____ State: _____ Zip: _____

Your telephone (*optional*): (____) _____Your lawyer (*if you have one*): (*Name, address, telephone number, and State Bar number*): _____**Use this form to give the court your responses to EA-100.**

- Read Form EA-151-INFO to protect your rights.
- Fill out this form and then take it to the court clerk.
- You must have the person in **1** served with a copy of this form and any attached pages.

3 ☐ **Personal Conduct Orders**

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested.
- c. ☐ I agree to the following orders (*specify*): _____

4 ☐ **Stay-Away Orders**

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested.
- c. ☐ I agree to the following orders (*specify*): _____

5 ☐ **Move-Out Order**

- a. ☐ I agree to the order requested.
- b. ☐ I do not agree to the order requested.
- c. ☐ I agree to the following order (*specify*): _____

6 ☐ **Turn In Guns or Other Firearms**

- a. ☐ I do not own or have any guns or firearms.
- b. ☐ I agree to the order requested.
- c. ☐ I do not agree to the order requested.
- d. ☐ I agree to the following order (*specify*): _____

The court will consider your Response at the hearing. Write your hearing date and time here:

**Hearing
Date**Date: _____ Time: _____
Dept.: _____ Room: _____**You must obey the court's orders until the hearing.** If you do not come to this hearing, the court may make the orders requested against you last for up to 3 years.

Your name: _____

7 ☐ **Other Orders**

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested.
- c. ☐ I agree to the following orders (*specify*): _____

8 ☐ **The court should not make orders against me because** (*Give facts or reasons below*):

☐ Check here if you need more space. Attach a sheet of paper and write "EA-110, Item 8—Facts and Reasons." Give specific facts and reasons.

9 ☐ **Lawyer's Fees and Costs**

I ask the court to order payment of my:

- a. ☐ Lawyer's fees
- b. ☐ Court costs
- because the temporary restraining order was issued without enough supporting facts.

The amounts requested are:

Item	Amount	Item	Amount
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

☐ Check here if you need more space. Attach a sheet of paper and write "EA-110, Item 9—Lawyer's Fees and Costs" at the top. Give specific items and amounts.

10 ☐ **Other Relief**

I ask for additional relief as may be proper.

11 Number of pages attached to this form, if any: _____

Date: _____

*Lawyer's name*_____
Lawyer's signature

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

*Type or print your name*_____
Sign your name

**Notice of Hearing and
Temporary Restraining Order**

Clerk stamps date here when form is filed.

1 Name of person asking for protection:

Address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____

Your telephone number (optional): (_____) _____

Your lawyer (if you have one): (Name, address, telephone number, and State Bar number): _____

Fill in court name and street address:

Superior Court of California, County of**2** Name of person to be restrained:

Description of that person:

Court fills in case number when form is filed.

Case Number:Sex: ☐ M ☐ F Height: _____ Weight: _____ Race: _____

Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____

Home Address (if known): _____

City: _____ State: _____ Zip: _____

Work Address (if known): _____

City: _____ State: _____ Zip: _____

To the person in ②:**3 Notice of Hearing****A court hearing is scheduled on the request for orders against you to stop abuse:**

Name and address of court if different from above:

**Hearing
Date**

→ Date: _____ Time: _____

Dept.: _____ Rm.: _____

If you do not want the court to make orders against you, file Form EA-110. Then go to the hearing and tell the court why you disagree. You may bring witnesses and other evidence. If you do not go to this hearing, the court may make restraining orders against you that could last up to 3 years.

4 Court Orders

The court (check a or b):

- a. ☐ Has scheduled the hearing stated in ③. No orders are issued against you at this time.
- b. ☐ Has scheduled the hearing stated in ③ **and** has issued the temporary orders against you specified on pages 2, 3, and 4. If you do not obey these orders, you can be arrested and charged with a crime. You may have to go to jail, pay a fine of up to \$1,000, or both.

This is a Court Order.

Your name: _____

Temporary Orders Against the Restrained Person

(Write the name of the person in ②): _____

The court has made the temporary orders indicated below against you. You must obey all these orders. These orders will expire on the date of the hearing listed in ③ unless they are extended by the court.

5 ☐ Personal Conduct OrdersYou must **not** do the following things to the person listed in ①:

- ☐ a. Physically abuse, financially abuse, intimidate, molest, attack, assault (sexually or otherwise), hit, follow, stalk, threaten, harass, destroy personal property, keep under surveillance, or block movements.
- ☐ b. Contact (directly or indirectly), telephone, send messages, mail, or e-mail.
- ☐ c. Take any action, directly or through others, to obtain the addresses or locations of the person in ① or of that person's family or caretakers. (If item c. is not checked, the court has found good cause not to make this order.)

Peaceful written contact through a lawyer or a process server or any other person for service of legal papers related to a court case is allowed and does not violate this order.

6 ☐ Stay-Away OrdersYou **must** stay at least (specify): _____ yards away from:

- a. ☐ The person listed in ①
- b. ☐ The home of the person in ①
- c. ☐ Job or workplace of the person in ①
- d. ☐ Vehicle of person in ①
- e. ☐ Other (specify): _____

7 ☐ Move-Out Order

You must immediately move out from and not return to (address): _____

and must take only the personal clothing and belongings you need until the hearing.

8 ☐ No Guns or Other Firearms

You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get a gun or firearm.

9 ☐ Turn In or Sell Guns or Firearms

You must:

- Sell to a licensed gun dealer or turn in to police any guns or firearms that you possess or control. This must be done within 24 hours of being served with this order.
- File a receipt with the court within 48 hours of receiving this order that proves guns have been turned in or sold. (You may use Form EA-145 for this.)

10 Financial Abuse

This case ☐ does **not** ☐ does involve **solely financial abuse** unaccompanied by force, threat, harassment, intimidation or any other form of abuse.

This is a Court Order.

Instructions for the Protected Person

12 Service of Order on Law Enforcement

(For help with service, read Forms EA-142-INFO and EA-150-INFO.)

Your name: _____

Order to Both Parties on Service**14 ☐ Time for Service****A To: Person Asking for Order**

Someone 18 or over—**not you**—must personally “serve” a copy of this order on the person in ② at least _____ days before the hearing.

(For help with service or responding, read Forms EA-142-INFO and EA-151-INFO.)

B To: Person Served With Order

If you want to respond in writing, someone 18 or over—**not you**—must “serve” Form EA-110 on the person in ①, then file it with the court at least _____ days before the hearing.

15 ☐ No Fee for Service of Order by Law Enforcement Agency

The sheriff will serve this Order without charge to the person in ① because that person is eligible for a fee waiver.

Date: _____

*Judicial Officer***Warnings and Notices to the Restrained Person in ②****You Cannot Have Guns or Firearms**

- 16** If the court orders, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get a gun while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to police any guns or firearms that you have or control in accordance with item ⑨ above. The court will require proof that you did so. If you do not obey this order, you can be charged with a crime.

17 After You Have Been Served With a Restraining Order

- Obey all the orders.
- If you want to respond, fill out Form EA-110 and file it with the court clerk. You do not have to pay any fee to file your response.
- Serve Form EA-110 on the person in ① or that person’s attorney by the date listed in ⑭ of this form. You cannot serve the person in ① yourself. The person who serves the person in ① should complete and sign a *Proof of Service*. Form EA-141 may be used for this purpose. You should take the completed form back to the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and serve declarations signed by you and other persons who have personal knowledge of the facts. A declaration form (Form MC-031) is available from the clerk’s office at the court shown on page 1 of this form. If you do not know how to prepare a declaration, you should see a lawyer. After you have filed the response with the clerk of the court, a copy must be delivered personally or by mail to the person in ② or his or her lawyer.
- If you wish to oppose the request for orders, in addition to filing a response, you should be present at the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, tell the judge if you agree or disagree with the orders requested.
- Even if you do not go to the hearing, the judge can make the restraining orders last for 3 years.

This is a Court Order.

Your name: _____

18 Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with a temporary restraining order and notice of hearing, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that does not differ from the previous or temporary restraining order is issued at the hearing, a copy of the order will be served on you by mail at the following address (*insert the address of the person in ②*):

If that address is not correct or you wish to verify that the temporary order was made permanent without substantive change, contact the clerk of the court.

If both you and the person in ① are personally present at the hearing where the order is issued, no additional proof of service will be required.

Instructions for Law Enforcement Agencies

- 19** This order is effective when made. It is enforceable anywhere in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency shall advise the restrained person of the terms of the order and then shall enforce it. Violations of this order are subject to criminal penalties.

Information for All Parties**Requests for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the hearing. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for *Request for Accommodations by Persons with Disabilities and Response* (form MC-410). (Civil Code, § 54.8)

(Clerk will fill out this part)

—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Notice of Hearing and Temporary Restraining Orders* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

**Request and Order for Reissuance
of Temporary Restraining Order**

Clerk stamps date here when form is filed.

1 Your name (*person asking to reissue order*): _____Your address (*skip this if you have a lawyer*): (*If you want your address to be private, give a mailing address instead*): _____

City: _____ State: _____ Zip: _____

Your telephone (*optional*): (____) _____Your attorney (*if you have one*): (*Name, address, telephone number, and State Bar number*): _____

Fill in court name and street address:

Superior Court of California, County of**2** Name of person you want protection from: _____

Description of that person:

Fill in case number:

Case Number: _____

Sex: ☐ M ☐ F Height: _____ Weight: _____ Race: _____
Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____
Home Address (*if known*): _____
City: _____ State: _____ Zip: _____
Work Address (*if known*): _____
City: _____ State: _____ Zip: _____

- 3** ☐ I ask the Court to reissue the Temporary Restraining Order previously filed in this case on Form EA-120.
a. The last Temporary Restraining Order was issued on (*date*): _____ b. The last hearing date was (*date*): _____
c. The Order has been reissued _____ times.

- 4** ☐ I ask the court to reissue the Order because (*check one*):
a. ☐ I could not get the Order served before the hearing date.
b. ☐ Other (*specify*): _____

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print your name_____
Sign your name**This is a Court Order.**

Case Number:

Your Name: _____

Clerk will fill out section below.

5

The request to reissue the Temporary Restraining Order is:

a. ☐ Granted b. ☐ Denied

The Order listed in ③ is reissued and reset for hearing in this court on the date and time below.

Unless the court extends the time, the Order will end on the date and at the time below.

Name and address of court if different from above:

**Hearing
Date** →

Date: _____ Time: _____

Dept.: _____ Room: _____

All orders in the Temporary Restraining Order stay in effect unless this order changes them.

6

If this Order is granted, a copy of this Order must be served on the person in ② before the hearing, along with the other documents requesting orders to stop elder or dependent adult abuse.

7

By the close of business on the date this Order is made, a copy of this Order and any proof of service forms must be delivered to the law enforcement agency listed on Form EA-120, Item ⑫:

- ☐ The person in ①.
- ☐ The attorney of the person in ①.
- ☐ The clerk of the court.

Date: _____



Judicial Officer



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the hearing. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for *Request for Accommodations by Persons with Disabilities and Response* (form MC-410). (Civil Code, § 54.8)

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Request and Order for Reissuance of Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date: _____

Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

1 Name of person asking for protection:Address (*skip this if you have a lawyer*): (*If you want your address to be private, give a mailing address instead*):

City: _____ State: _____ Zip: _____

Your telephone number (*optional*): (_____) _____Your lawyer (*if you have one*): (*Name, address, telephone number, and State Bar number*): _____

Fill in court name and street address:

Superior Court of California, County of**2** Name of person to be restrained:

Description of that person:

Fill in case number:

Case Number:Sex: ☐ M ☐ F Height: _____ Weight: _____ Race: _____

Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____

Home Address (*if known*): _____

City: _____ State: _____ Zip: _____

Work Address (*if known*): _____

City: _____ State: _____ Zip: _____

3 **Hearing**

There was a hearing:

on (*date*): _____ at (*time*): _____ ☐ a.m. ☐ p.m. Dept.: _____ Rm: _____

_____ made the orders at the hearing.

(*Name of judicial officer*)

These people were at the hearing:

a. ☐ The person in ①. c. ☐ Lawyer of the person in ① (*name*): _____b. ☐ The person in ②. d. ☐ Lawyer of the person in ② (*name*): _____**4** **Expiration Date of Order**☐ This Order, except for an award of lawyer's fees, expires at:(*time*): _____ ☐ a.m. ☐ p.m. or ☐ midnight on (*date*): _____

If no expiration date is written here, this Order expires three years from the date of issuance.

☐ This renewal Order remains in effect permanently.**This is a Court Order.**

Your name: _____

Orders Against the Restrained Person

(Write the name of the person in ②): _____

5 This Is a Court Order

To the person in ②: You must obey all the orders indicated below. If you do not obey these orders, you can be arrested and charged with a crime. You may have to go to jail, pay a fine of up to \$1,000, or both.

6 ☐ Personal Conduct Orders

You **must not** do the following things to the person listed in ①:

- ☐ a. Physically abuse, financially abuse, intimidate, molest, attack, assault (sexually or otherwise), hit, follow, stalk, threaten, harass, destroy personal property, keep under surveillance, or block movements.
- ☐ b. Contact (directly or indirectly), telephone, send messages, mail, or e-mail.
- ☐ c. Take any action to obtain the address or location of the person in ① or of that person's family or caretakers.

Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

7 ☐ Stay-Away Orders

You **must** stay at least (specify): _____ yards away from:

- a. ☐ The person listed in ①
- b. ☐ The home of the person in ①
- c. ☐ Job or workplace of the person in ①
- d. ☐ Vehicle of person in ①
- e. ☐ Other (specify): _____

8 ☐ Move-Out Order

You must move out immediately from and not return to (address): _____

9 ☐ No Guns or Other Firearms

You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get a gun or firearm.

10 ☐ Turn In or Sell Guns or Firearms

You must:

- Sell to a licensed gun dealer or turn in to police any guns or firearms that you possess or control. This must be done within 24 hours of being served with this order.
- File a receipt with the court within 48 hours of receiving this order that proves guns have been turned in or sold. (You may use Form EA-145 for this.)

11 Financial Abuse

This case ☐ does **not** ☐ does involve **solely financial abuse** unaccompanied by force, threat, harassment, intimidation or any other form of abuse.

12 ☐ Other Orders (specify): _____

☐ Additional orders are attached at the end of this Order.

This is a Court Order.

Your name: _____

Instructions for the Protected Person**To the person in ①** (*Write the name of the person in ①*): _____**13** ☐ **Delivery to Law Enforcement Agency**

If the court issues restraining orders, by the close of business on the date this Order is made, you or your attorney must deliver a copy of this Order and any proof of service forms to each law enforcement agency listed below:

Name of Law Enforcement Agency

Address (City, State, Zip)

14 ☐ **No Fee for Service of Order by Law Enforcement Agency**

The sheriff or marshal will serve this Order without charge to the person in ① because that person is eligible for a fee waiver.

Date: _____

_____
*Judicial Officer***Warnings and Notices to the Restrained Person in ②****You Cannot Have Guns or Firearms**

If the court orders, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get a gun while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to police any guns or firearms that you have or control in accordance with ⑩ above. The court will require proof that you did so. If you do not obey this Order, you can be charged with a crime.

Instructions for Law Enforcement Agencies

This Order is effective when made. It is enforceable anywhere in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an Order of that jurisdiction by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency shall advise the restrained person of the terms of the Order and then shall enforce it. Violations of this restraining order are subject to criminal penalties.

*(Clerk will fill out this part.)***Clerk's Certificate***Clerk's Certificate*
[seal]

I certify that this *Order After Hearing Restraining Elder or Dependent Adult Abuse* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

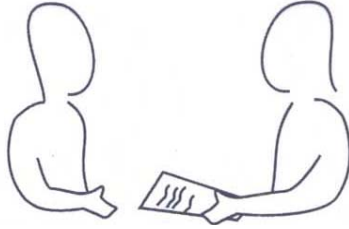
1 Name of person asking for protection:

2 Name of person you want protection from:

3 **Notice to Server**

The server must:

- Be over 18 years of age.
- Not be listed on the restraining order.
- Give a copy of all documents checked in 4 to the person in 2. (You cannot send them by mail.) Then complete and sign this form and give or mail it to the person in 1



Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:**PROOF OF PERSONAL SERVICE**

4 I gave the person in 2 a copy of the documents checked below:

- a. ☐ Form EA-120, *Notice of Hearing and Temporary Restraining Order*
- b. ☐ Form EA-100, *Request for Orders to Stop Elder or Dependent Adult Abuse*
- c. ☐ Form EA-110, *Response to Request for Orders to Stop Elder or Dependent Adult Abuse* (blank form)
- d. ☐ Form EA-145, *Proof of Firearms Turned In or Sold* (blank form)
- e. ☐ Form EA-151-INFO, *How Can I Respond to a Request for Orders to Stop Elder or Dependent Adult Abuse?*
- f. ☐ Form EA-130, *Order After Hearing Restraining Elder or Dependent Adult Abuse*
- g. ☐ Other (specify): _____

5 I personally gave copies of the documents checked above to the person in 2 :

a. On (date): _____ b. At (time): _____ ☐ a.m. ☐ p.m.

c. At this Address: _____

City: _____ State: _____ Zip: _____

6 **Server's Information**

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print server's name

Server signs here

Clerk stamps date here when form is filed.

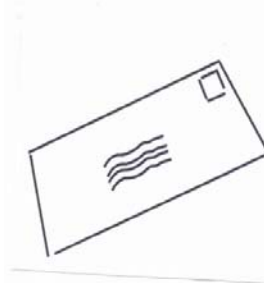
1 Name of person asking for protection:

2 Your name:

3 **Notice to Server**

The server must:

- Be over 18 years of age.
- Be a resident or employed in the county where the mailing took place.
- Not be listed on the restraining order.
- Mail a copy of all documents checked in 4 to the person in 1. Complete and sign this form and give it to the person in 2.



Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

PROOF OF SERVICE BY MAIL

4 I am over 18 years of age and am a resident or employed in the county where the mailing took place. I mailed the person in 1 a copy of all documents checked below:

- a. ☐ Form EA-110, *Response to Request for Orders to Stop Elder or Dependent Adult Abuse* (completed)
- b. ☐ Other (specify):

5 I placed copies of the documents checked above in a sealed envelope and mailed them as described below:

- a. Mailed from (City): (State):
- b. On (Date):
- c. To this Address: City: State: Zip:

6 **Server's Information**

Name:

Address:

City: State: Zip:

Telephone:

(If you are a registered process server):

County of registration: Registration number:

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date:

Type or print server's name

Server signs here

What is “service”?

There are many kinds of service—in person, by mail, and others. This form explains “personal” service.

The *Notice of Hearing and Temporary Restraining Order* (Form EA-120) and the *Request for Orders to Stop Elder or Dependent Adult Abuse* (Form EA-100) must be served “in person.” That means someone—**not you** or anyone else protected by the order—must personally “serve” (give) the person to be restrained a copy of the forms.

Service lets the other person know:

- What orders you are asking for
- The hearing date
- How to answer

Who can serve?

Ask someone you know, a process server, or a law enforcement agency to personally serve (give) a copy of the forms to the person to be restrained. You **cannot** send the forms to that person by mail.

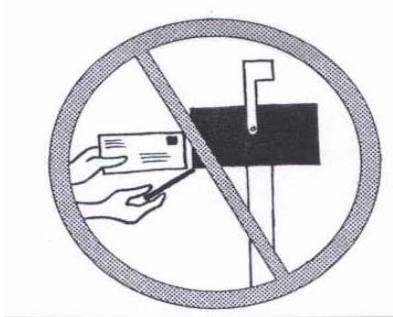
The server must:

- Be over 18 years of age.
- Not be you or anyone else protected by the orders.

The sheriff may be authorized to serve the court’s orders *for free* if the person seeking protection is entitled to a fee waiver. To qualify for a fee waiver, you must fill out and file *Application for Waiver of Court Fees and Costs* (Form FW-001).

A “registered process server” is a business you pay to deliver court forms. Look in the Yellow Pages under “Process Serving.”

(If a law enforcement agency or the process server uses a different Proof of Service form, make sure it lists the forms served.)



Don't serve it by mail!

How to serve

Ask the server to:

- Walk up to the person to be served.
- Make sure it's the right person.
- Give the person copies of all papers checked on Form EA-140, the Proof of Service form.
- Fill out and sign the Proof of Service form.
- Give the signed Proof of Service form to you.

What if the person won't take the papers or tears them up?

The server must attempt to make personal delivery even if the person won't take the papers. It doesn't matter if the person tears them up.

Who signs the Proof of Service?

Only the person who serves the orders can sign the Proof of Service. You do not sign Form EA-140. The restrained person does not sign this form.

When do the orders have to be served?

It depends. To know the exact date, you have to look at two things on Form EA-120:

First, look at the hearing date on page 1 of Form EA-120. Next, look at the number of days written in ⑭ on page 4.

3 Notice of Hearing
A court hearing is scheduled on the request for orders again.

Hearing Date → Date: _____
Dept.: _____

14 ☐ **Time for Service**

A To: Person Asking for Order
Someone 18 or over—**not you**—must personally "serve" a copy of this order to the restrained person at least _____ days before the hearing.

Look at a calendar. Subtract the number of days in ⑭ from the hearing date. That's the final date to have the orders served. It's always OK to serve earlier than that date.

If nothing is checked or written in ⑭, you must serve the orders at least 5 days before the hearing.

Why do I have to get the orders served?

- The **police cannot arrest** anyone for violating an order **unless** that person knows about the order.
- The **judge cannot make the orders permanent** unless the restrained person was served.

What happens if I can't get the orders served before the hearing date?

Before your hearing, fill out and file *Request and Order for Reissuance of Temporary Restraining Order* (Form EA-125). This form asks the court for a new hearing date and makes your orders last until then. Ask the clerk for the form.

After the court has reissued the orders, you **must** attach a copy of Form EA-125 to a copy of your original orders. That way, the police will know your orders are still in effect. And the restrained person will be served with notice of the new hearing date.

What do I do with the completed Proof of Service?

- Make at least 5 copies.
- File the original before your hearing.
- Ask the clerk to enter it into CLETS (California Law Enforcement Telecommunications System), a special computer system that lets police all over the state find out about the orders protecting you.
- If the clerk tells you they can't enter it into the computer, take a copy of the orders to the sheriff's department. They will put the information into the state computer system. That way, police all over the state will know about your restraining order.
- Bring a copy of the completed *Proof of Service* (Form EA-140) to your hearing.
- Always keep an extra copy of the restraining orders with you for your safety.

**Proof of Firearms
Turned In or Sold***Clerk stamps date here when form is filed.*

① Name of person asking for protection:

② Your name:

Your address (*skip this if you have a lawyer*): (*If you want your address to be private, give a mailing address instead*):

City: _____ State: _____ Zip: _____

Your telephone (*optional*): (_____) _____

Your lawyer (*if you have one*): (*Name, address, telephone number, and State Bar number*): _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

③ **To the person selling or turning in firearms:**

If the court has ordered you to sell or turn in your firearms, you may use this form to prove to the court that you have obeyed its orders. You must deliver your weapons unloaded. When you deliver your weapons, ask law enforcement or the licensed gun dealer to complete item ④ or ⑤ and item ⑥. After the form is signed, file it with the court clerk. Keep a copy for yourself. For help, read Form EA-151.

④ **To: Law Enforcement**

Fill out items ④ and ⑥ of this form. Keep a copy and give the original to the person who turned in the firearms.

The firearms listed in ⑥ were turned in on:

Date: _____ at: _____ ☐ a.m. ☐ p.m.

To: _____
Name and title of law enforcement agent

Name of law enforcement agency

Address

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

▶ _____
Signature of law enforcement agent

⑤ **To: Licensed Gun Dealer**

Fill out items ⑤ and ⑥ of this form. Keep a copy and give the original to the person who sold the firearms to you.

The firearms listed in ⑥ were sold on:

Date: _____ at: _____ ☐ a.m. ☐ p.m.

To: _____
Name of licensed gun dealer

License number (_____)
Telephone

Address

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

▶ _____
Signature of licensed gun dealer

Your name: _____

Case Number: _____

6	Firearms Make	Model	Serial Number
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

☐ Check here if you turned in or sold more firearms. Attach a sheet of paper and write "Item 6—Firearms Turned In or Sold" at the top. Include make, model, and serial number for all firearms.

7 Do you have, own, possess, or control any other firearms besides the firearms listed in 6? ☐ Yes ☐ No

8 If you answered yes to 7, have you sold or transferred those other firearms? ☐ Yes ☐ No
If yes, check one of the boxes below:

- ☐ a. I filed the *Proof of Firearms Turned In or Sold* for those firearms with the court on (date): _____
- ☐ b. I am filing the Proof for those firearms along with this Proof.
- ☐ c. I have not yet filed the Proof for the other firearms. (Explain why not): _____

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print your name

▶ _____
Sign your name

What is a Restraining Order?

It is a court order that helps protect people from being abused.

Can I get a Restraining Order?

If you are a person 65 years or older or a dependent adult, you can ask for a restraining order if you have been:

- Physically abused
- Financially abused
- Mentally or emotionally abused
- Neglected
- Abandoned or abducted
- Isolated, *or*
- Deprived by a caregiver of goods or services you needed to avoid harm or suffering

How will the order help me?

The court can order a person to:

- Not abuse, harass, hit, or threaten you
- Not contact or go near you, *and*
- Not have a gun

What if I am deaf?

If you are deaf, contact the clerk at least 5 days before the hearing. Ask for an interpreter or other accommodation. (See information on Requests for Accommodations below.)

What forms do I need to get the order?

Fill out Forms EA-100 and EA-120. Then file them with the court clerk. If you need to add attachments, you may use form MC-020. Also, complete confidential Form-EA-102 and give it to the clerk.

Where can I get these forms?

You can get the forms at any court, self-help center, or county law library or on the Web at www.courtinfo.ca.gov/forms.

How soon can I get the order?

If you ask for a temporary restraining order, the court will decide within 24 hours whether or not to make the order. Sometimes the court decides sooner.

How long does the order last?

If the court makes a temporary order, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. The order could last for up to 3 years.

How will the person to be restrained know about the order?

Someone over 18 years of age—**not you** or anyone else protected by the order— must “serve” (give) the person to be restrained a copy of the order. For help with service, see or ask the court clerk for Form EA-142-INFO.

What if the restrained person does not obey the order?

Call the police. The restrained person can be arrested and charged with a crime.

How much does it cost?

There is no fee for filing the request for a restraining order.

You may need to pay a fee for service of the order. If you cannot afford to pay the fee, ask the clerk how to apply for a fee waiver. If the fee waiver is granted, a sheriff or marshal will serve the order for free.

The court can make the person who loses the case pay all the court fees and the lawyer’s fees for the other party.

Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the hearing. Contact the clerk’s office or go to www.courtinfo.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civil Code, § 54.8.)



Do I have to go to court?

Yes. Go to court on the date the clerk gives you.

Do I need a lawyer?

No. But it is a good idea. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

Do I need to bring a witness to the court hearing?

No. But it helps to have proof of the abuse. You can bring:

- A written statement from witnesses made under oath
- Witnesses
- Photos
- Medical or police reports
- Damaged property
- Threatening letters, e-mails, or telephone messages

The court may or may not let witnesses speak at the hearing. So, if possible, you should bring written statements from witnesses signed under penalty of perjury to the hearing. (You can use Form MC-030 for this.)

Will I see the restrained person at the court hearing?

If the person comes to the hearing, yes. But that person does not have the right to speak to you. If you are afraid, tell the court officer.

Can I bring someone with me to court?

Yes. You can bring someone to sit with you during the hearing. But that person cannot speak for you in court. Only you or your lawyer (if you have one) can speak for you.

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You may have to pay a fee for the interpreter. If the interpreter is not available for your court date, bring someone to interpret for you. You cannot ask a child under 18 to interpret for you.

EA-120 Notice of Hearing and Temporary Restraining Order

1 Name of person asking for protection:

Address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____

Your telephone number (optional): (_____) _____

Your lawyer (if you have one): (Name, address, telephone number, and State Bar number): _____

2 Name of person to be restrained:

Description of that person:

Sex: ☐ M ☐ F Height: _____ Weight: _____ Race: _____

Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____

Home Address (if known): _____

City: _____ State: _____ Zip: _____

Work Address (if known): _____

City: _____ State: _____ Zip: _____

To the person in 2:

3 Notice of Hearing

A court hearing is scheduled on the request for orders against you to stop abuse:

Hearing Date: _____ Date: _____ Time: _____ Name and address of court if different from above: _____

Dept.: _____ Rm.: _____

If you do not want the court to make orders against you, file Form EA-110. Then go to the hearing and tell the court why you disagree. You may bring witnesses and other evidence. If you do not go to this hearing, the court may make restraining orders against you that could last up to 3 years.

4 Court Orders

The court (check a or b):

a. ☐ Has scheduled the hearing stated in 3. No orders are issued against you at this time.

b. ☐ Has scheduled the hearing stated in 3 and has issued the temporary orders against you specified on pages 2, 3, and 4. If you do not obey these orders, you can be arrested and charged with a crime. And you may have to go to jail, pay a fine of up to \$1,000, or both.

This is a Court Order.

Notice of Hearing and Temporary Restraining Order (CLETS-TEA or TEF) (Elder or Dependent Adult Abuse Protection)

14

EA-120, Page 1 of 5

What if I move?

Your restraining order works anywhere in the United States. If you move out of California, contact your new local police so they will know about your orders.

Need more information?

Ask the court clerk about free or low-cost legal help.

For help in your area, contact:

[Local information may be inserted.]

What is a Restraining Order?

It is a court order.

What does the order do?

The court can order you to:

- Not contact the person who asked for the order
- Not take any action to obtain that person's address or location
- Stay away from that person and the person's home and workplace
- Not have any guns while the order is in effect

Who can ask for a Restraining Order?

A person who is being:

- Financially abused
- Neglected
- Abandoned or abducted
- Isolated
- Harmed, or
- Deprived by a caregiver of goods or services necessary to live on

How long does the order last?

If the court makes a temporary order, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. The order could last for up to 3 years.

What if I don't obey the order?

The police can arrest you. You can go to jail and pay a fine.

What if I don't agree with what the order says?

You still must obey the order until the hearing.

If you disagree with the orders the person is asking for, fill out Form EA-110 before your hearing date, serve it, and file it with the court. If you need to add attachments, you may use form MC-020.

Do I have to serve the other person with a copy of my answer?

Yes. Someone—other than yourself—must mail a copy of your completed Form EA-110 to the person who asked for the order (or that person's lawyer). (This is called "service.")

The person who serves the form by mail should fill out Form EA-141, *Proof of Service by Mail*. Make a copy of the proof of service and file it with the court clerk.

Should I go to the court hearing?

Yes. Go to court on the date listed on Form EA-120. If you do not go to court, the judge can make orders without hearing from you.

EA-120 Notice of Hearing and Temporary Restraining Order

1 Name of person asking for protection:

Address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: State: Zip:

Your telephone number (optional):

Your lawyer (if you have one): (Name, address, telephone number, and State Bar number):

2 Name of person to be restrained:

Description of that person:

Sex: ☐ M ☐ F Height: Weight: Race:

Hair Color: Eye Color: Age: Date of Birth:

Home Address (if known):

City: State: Zip:

Work Address (if known):

City: State: Zip:

To the person in 2:

3 Notice of Hearing

A court hearing is scheduled on the request for orders against you to stop abuse:

Name and address of court if different from above:

Hearing Date: Time: Dept.: Rm.:

4 Court Orders

The court (check a or b):

a. ☐ Has scheduled the hearing stated in 3. No orders are issued against you at this time.

b. ☐ Has scheduled the hearing stated in 3 and has issued the temporary orders against you specified on pages 2, 3, and 4. If you do not obey these orders, you can be arrested and charged with a crime. And you may have to go to jail, pay a fine of up to \$1,000, or both.

This is a Court Order.

Judicial Council of California, www.courtinfo.ca.gov
Revised January 1, 2007. Mandatory Form
Code of Civil Procedure, § 121.9
Statutes & Constitutional Code, § 16607.03
Approved by DOJ

EA-120, Page 1 of 5

14

Do I need a lawyer?

No. But it is a good idea. Ask the court clerk about legal services and self-help centers in your county.

Will I see the person who asked for the order at the court hearing?

If the person goes to the hearing, yes. Do not talk to that person unless the judge says you can.

Can I bring a witness to the court hearing?

Yes. You can bring witnesses or documents that support your case. But, if possible, you should also bring to the hearing written statements from the witnesses of what they saw or heard. Their statements must be made under penalty of perjury. You can use Form MC-030 for this.

Can I bring someone with me to court?

Yes. You can bring someone to sit with you during the hearing. But that person cannot speak for you in court. Only you or your lawyer, if you have one, can speak for you.

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You may have to pay a fee for the interpreter. If an interpreter is not available for your court date, bring someone to interpret for you. You cannot ask a child under 18 to interpret for you.

What if I am deaf?

If you are deaf, contact the clerk at least 5 days before the hearing. (See information on Requests for Accommodations below.)

Need more information?

Ask the court clerk about free or low-cost legal help.

For help in your area, contact:

[Local information may be inserted]

Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the hearing. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civil Code, § 54.8)



APPLICATION FOR EMERGENCY PROTECTIVE ORDER (CLETS)

EPO-001

(Name): _____ has provided the information in items 1-5.

LAW ENFORCEMENT CASE NUMBER:

1. PERSONS TO BE PROTECTED (insert names of all persons to be protected by this order):

2. PERSON TO BE RESTRAINED (name): _____

Sex: ☐ M ☐ F Ht.: _____ Wt.: _____ Hair color: _____ Eye color: _____ Race: _____ Age: _____ Date of birth: _____3. The events that cause the protected person to fear immediate and present danger of domestic violence, child abuse, child abduction, elder or dependent adult abuse (other than **solely** financial abuse), or stalking are (give facts and dates; specify weapons): _____

_____4. ☐ The person to be protected lives with the person to be restrained and requests an order that the restrained person move out immediately from the address in item 9.5. a. ☐ The person to be protected has minor children in common with the person to be restrained, and a temporary custody order is requested because of the facts alleged in item 3. A custody order ☐ does ☐ does not exist.b. ☐ The person to be protected is a minor child in immediate danger of being abducted by the person to be restrained because of the facts alleged in item 3.6. ☐ A child welfare worker or probation officer has advised the undersigned that a juvenile court petition☐ has already been filed. ☐ will be filed. ☐ will NOT be filed.7. ☐ Adult Protective Services has been notified.

8. Judicial officer (name): _____ was contacted on (date): _____ at (time): _____

☐ The judicial officer granted the **Emergency Protective Order** that follows.

By: _____

(PRINT NAME OF LAW ENFORCEMENT OFFICER)

(SIGNATURE OF LAW ENFORCEMENT OFFICER)

Agency: _____

Telephone No.: _____ Badge No.: _____

EMERGENCY PROTECTIVE ORDER (See reverse for important notices.)9. **To restrained person (name):** _____a. ☐ You must not contact, molest, harass, attack, strike, threaten, sexually assault, batter, telephone, send any messages to, follow, stalk, destroy any personal property of, disturb the peace of, or take any action to obtain the address or location of each person named in item 1.b. ☐ You must ☐ stay away at least _____ yards from each person named in item 1.
☐ stay away at least _____ yards from ☐ move out immediately from

(address): _____

10. ☐ (Name): _____ is given temporary care and control of the following minor children of the parties (names and ages): _____

11. Reasonable grounds for the issuance of this order exist and an emergency protective order is necessary to prevent the occurrence or recurrence of domestic violence, child abuse, child abduction, elder or dependent adult abuse, or stalking.

12. **THIS EMERGENCY PROTECTIVE ORDER WILL EXPIRE AT 5:00 P.M. ON:** _____INSERT DATE OF FIFTH COURT DAY OR SEVENTH
CALENDAR DAY, WHICHEVER IS EARLIER;
DO NOT COUNT DAY THE ORDER IS GRANTED13. **To protected person:** If you need protection for a longer period of time, you must request restraining orders at (court name and address): _____**PROOF OF SERVICE**

14. Person served (name): _____

15. I personally delivered copies to the person served as follows: Date: _____ Time: _____

Address: _____

16. At the time of service I was at least 18 years of age and not a party to this cause. ☐ I am a California sheriff or marshal.17. My name, address, and telephone number are (this does not have to be server's home telephone number or address): _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME OF SERVER)

(SIGNATURE OF SERVER)

Page 1 of 2

EMERGENCY PROTECTIVE ORDER WARNINGS AND INFORMATION

EPO-001

VIOLATION OF THIS ORDER IS A MISDEMEANOR PUNISHABLE BY A \$1,000 FINE, ONE YEAR IN JAIL, OR BOTH, OR MAY BE PUNISHABLE AS A FELONY. PERSONS SUBJECT TO A RESTRAINING ORDER ARE PROHIBITED FROM OWNING, POSSESSING, PURCHASING, RECEIVING, OR ATTEMPTING TO PURCHASE OR RECEIVE A FIREARM (PENAL CODE SECTION 12021(g)). SUCH CONDUCT IS SUBJECT TO A \$1,000 FINE AND IMPRISONMENT OR BOTH. THIS ORDER SHALL BE ENFORCED BY ALL LAW ENFORCEMENT OFFICERS IN THE STATE OF CALIFORNIA WHO ARE AWARE OF OR SHOWN A COPY OF THE ORDER. UNDER PENAL CODE SECTION 13710(b), "THE TERMS AND CONDITIONS OF THE PROTECTION ORDER REMAIN ENFORCEABLE, NOTWITHSTANDING THE ACTS OF THE PARTIES, AND MAY BE CHANGED ONLY BY ORDER OF THE COURT."

To the restrained person: This order will last until the date and time in item 12 on the reverse. The protected person may, however, obtain a more permanent restraining order from the court. You may seek the advice of an attorney as to any matter connected with this order. The attorney should be consulted promptly so that the attorney may assist you in responding to the order.

A la persona bajo restricción judicial: Esta orden durará hasta la fecha y hora indicadas en el punto 12 al dorso. La persona protegida puede, sin embargo, obtener una orden de entredicho (restricción judicial) más permanente de la corte. Usted puede consultar a un abogado en conexión con cualquier asunto relacionado con esta orden. Debe consultar al abogado sin pérdida de tiempo para que él o ella le pueda ayudar a responder a la orden.

To the protected person: This order will last only until the date and time noted in item 12 on the reverse. If you wish to seek continuing protection, you will have to apply for an order from the court at the address in item 13, or you should apply to the court in the county where you live if it is a different county and the violence is likely to occur there. You may apply for a protective order free of charge. In the case of an endangered child, you may also apply for a more permanent order at the address in item 13, or if there is a juvenile dependency action pending you may apply for a more permanent order under section 213.5 of the Welfare and Institutions Code. In the case of a child being abducted, you may apply for a *Child Custody Order* from the court at the address in item 13. You may seek the advice of an attorney as to any matter connected with your application for any future court orders. The attorney should be consulted promptly so that the attorney may assist you in making your application. You do not have to have an attorney to get the protective order.

A la persona protegida: Esta orden durará sólo hasta la fecha y hora indicadas en el punto 12 al dorso. Si usted desea que la protección continúe, tendrá que solicitar una orden de la corte en la dirección indicada en el artículo 13, o tendrá que hacer la solicitud ante la corte del condado donde usted vive, si se trata de un condado diferente y es probable que la violencia ocurra allí. La solicitud de la orden de protección es gratis. En el caso de que un niño o una niña se encuentre en peligro, puede solicitar una orden más permanente en la dirección indicada en el artículo 13 o, si hay una acción legal pendiente de tutela juvenil, puede solicitar una orden más permanente conforme a la sección 213.5 del código titulado en inglés **Welfare and Institutions Code**. En el caso del secuestro de un niño o una niña, usted puede solicitar de la corte una orden para la guarda del niño o de la niña (*Child Custody Order*), en la dirección indicada en el artículo 13 de este formulario. Puede consultar a un abogado en conexión con cualquier asunto relacionado con las solicitudes de órdenes de la corte que usted presente en el futuro. Debe consultar un abogado sin pérdida de tiempo para que él o ella le pueda ayudar a presentar su solicitud. Para obtener la orden de protección no es necesario que un abogado le represente.

To law enforcement: Penal Code section 13710(c) provides that, upon request, law enforcement shall serve the party to be restrained at the scene of a domestic violence incident or at any time the restrained party is in custody. The officer who requested the emergency protective order, while on duty, shall carry copies of the order. The emergency protective order shall be served upon the restrained party by the officer, if the restrained party can reasonably be located, and a copy shall be given to the protected party. A copy also shall be filed with the court as soon as practicable after issuance. The availability of an emergency protective order shall not be affected by the fact that the endangered person has vacated the household to avoid abuse. A law enforcement officer shall use every reasonable means to enforce an emergency protective order issued pursuant to this subdivision. A law enforcement officer acting pursuant to this subdivision shall not be held civilly or criminally liable if he or she has acted in good faith with regard thereto.

If a child is in danger of being abducted: This order will last only until the date and time noted in item 12 on the reverse. You may apply for a child custody order from the court.

En el caso de peligro de secuestro de un niño o de una niña: Esta orden será válida sólo hasta la hora y fecha indicadas en el punto 12 al dorso. Usted puede solicitar de la corte una orden para la guarda del niño o de la niña (*Child Custody Order*).

This emergency protective order is effective when made. This order shall expire on the date and time specified in item 12 on the reverse. The provisions of this emergency protective order take precedence in enforcement over provisions of other existing protective orders between the same protected and restrained persons to the extent the provisions of this order are more restrictive. In other words, the provisions in this emergency protective order take precedence over the provisions in any other protective order, including a criminal protective order, if (1) the person to be protected is already protected by the other protective order, (2) the person to be restrained is subject to that other order, and (3) the provisions in this emergency order are more restrictive than the provisions in that other order. The provisions in another existing protective order remain in effect and take precedence if they are more restrictive than the provisions in this emergency protective order.

